

SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----  
In the Matter of DALIA GENDER, trustee of the OLR Y  
GENDER 1993 TRUST,

Petitioner,

-against-

File No. 2008-0017E

ORLY GENDER, ARIE GENDER, GLENCOVA INVESTMENT  
COMPANY, TR INVESTORS, LLC, NEW TR EQUITY I, LLC,  
NEW TR EQUITY II, LLC, TRANS-RESOURCES, INC, ARNOLD  
BROSER, DAVID BROSER, JOHN DOES 1-20 AND JANE  
DOES 1-20,

Hon. Nora S. Anderson

Respondents.

Affirmation of  
Judith Bachman in  
Opposition

-----  
Judith Bachman, an attorney duly admitted to practice before the Court of the State of  
New York, affirms under penalties of perjury:

1. I am the attorney for Petitioner, Dalia Genger, and I make this affirmation in opposition to the motion to dismiss the Turnover Proceeding of Petitioner and in support of the Petitioner's cross-motion.
2. In June of 2016, I prepared a petition on behalf of Dalia Genger to obtain the turnover of proceeds of a settlement from various parties to the trust (Orly Genger 1993 Trust) of which Dalia Genger is the trustee.
3. On June 14, 2016 I visited both the clerk's office and the Miscellaneous Department of Surrogate's Court to file that petition.
4. The Miscellaneous Department advised that it would take some time for them to review the filing and that when complete they would issue the citation and email it to me so that I could arrange service of it.

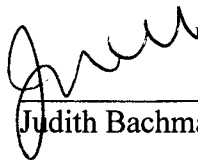
5. On June 17, 2016, I sent a courtesy copy of the petition to the attorneys for all of the parties named and inquired if they would accept service.
6. They refused to accept service.
7. Thereafter, my office diligently worked with the Surrogate's Court to have the citation issued.
8. Such efforts included repeated and numerous calls, visits, written correspondence, and emails to the Surrogate's Court starting on July 7, 2016 and finally ending in December 2017.
9. In my early communications with the Surrogate's Court, I was told that the Petition had not yet been reviewed because of a backlog in the office and that I should keep checking back.
10. Eventually, I was advised that the petition had been placed in the "hold" drawer because the caption on the Petition needed to be amended.
11. Because the clerk that I spoke with could not give me specific direction as to how the caption needed to be changed, I was directed to call back at another time.
12. When I finally reached a person with knowledge at the Surrogate's Court as to how to change the caption, I drafted and submitted an attorney affirmation amending the caption as directed.
13. The clerk advised that, again, it would take some time for them to review the affirmation and issue the citation.
14. When they did finally review that initial affirmation, I was advised by a different clerk of the Surrogate's Court that a second affirmation needed to be submitted making a further change to the caption.

15. I submitted that second affirmation with the further change, as required by the Clerk.
16. Upon receipt and approval of the second affirmation with the further change to the caption, in December of 2017, the Surrogate's Court issued the citation for this proceeding.
17. Immediately thereafter, I arranged to serve the respondents in this proceeding. I note that the address at which the "Trump Group" (as denoted in their own brief in this action) were served is the one identified by Mark Hirsch, their general counsel, as shown in the attached email.
18. I did so, inter alia, by delivery of the citation to Orly's counsel (who had appeared in the Removal Action under the same file number) and by delivery to some of the respondents at their business address.
19. When Orly's counsel objected to the service upon them, in an abundance of caution, I had the process server mail the citation to Orly at her address in Texas. Upon information and belief, that address was one in which Orly had claimed a homestead exemption, owns a home, has a driver's license and votes (in an action in Federal Court, Orly has attempted to evade service claiming that she lives in Israel notwithstanding her definitive contacts in Texas). Copies of documentary information confirming that Texas address is attached hereto.
20. Such service was made at a time immediately before the return date of the citation so that affidavit has not been filed with the Court.
21. On February 5, 2018, respondents Orly and TR, respectively, moved to dismiss the Turnover Proceeding on the grounds, inter alia, of delay and deficiencies in service, and other relief.

22. Dalia therefore opposes these motions and, as necessary, cross-moves for (i) an extension of time to serve process and permission to serve substituted service (or nunc pro tunc) and file the affidavit of service, (ii) the appointment of a Guardian ad Litem for Orly's infant daughter and the issuance of a supplemental citation for that Guardian ad litem, and (iii) to consolidate this turnover proceeding with the Removal Proceeding with this Turnover Proceeding.

WHEREFORE, I respectfully request that the respondent's motions to dismiss be denied and the cross-motion be granted and that the Petitioner have such other and further relief as is just and warranted.

Dated: February 20, 2018  
New City, New York

A handwritten signature in black ink, appearing to read 'Judith Bachman', is written over a horizontal line.

Judith Bachman

**Dellaportas, John**

---

**From:** Mark Hirsch <mhirsch@trumpgroup.com>  
**Sent:** Friday, November 18, 2016 10:53 AM  
**To:** Dellaportas, John  
**Subject:** RE: My apologies running late

11 will work. See you soon.

Mark S. Hirsch  
Partner and General Counsel  
The Trump Group  
400 Park Ave. | 19<sup>th</sup> Floor | New York, NY 10022  
(o) 212-838-1000 or 212-340-6767 | (c) 917-821-3000  
[mhirsch@trumpgroup.com](mailto:mhirsch@trumpgroup.com)

## Travis CAD

### Property Search > 798599 HERSCHMANN ERIC & ORLY GINGER for Year 2018

Tax Year: 2018 - Values not available

#### Property

##### Account

Property ID: 798599

Legal Description: UNT 1903 BLOCK 21  
CONDOMINIUMS AMENDED  
PLUS .3294 % INT IN COM AREA

Geographic ID: 0205011425

Zoning:

Type: Real

Agent Code: ID:2490

Property Use Code:

Property Use Description:

##### Location

Address: 210 LAVACA ST 1903  
TX 78701

Mapsc:

Neighborhood: BLOCK 21(THE W) DOWNTOWN HIGHRISE CONDOS

Map ID: 020201

Neighborhood CD: Z1W99C

##### Owner

Name: HERSCHMANN ERIC & ORLY GINGER

Owner ID: 1703720

Mailing Address: 210 LAVACA ST #1903  
AUSTIN, TX 78701-4582

% Ownership: 100.0000000000%

Exemptions: HS

#### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

#### Taxing Jurisdiction

Owner: HERSCHMANN ERIC & ORLY GINGER

% Ownership: 100.0000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	N/A	N/A	N/A	N/A
02	CITY OF AUSTIN	N/A	N/A	N/A	N/A
03	TRAVIS COUNTY	N/A	N/A	N/A	N/A

0A	TRAVIS CENTRAL APP DIST	N/A	N/A	N/A	N/A
2C	DOWNTOWN PUB IMP DIST	N/A	N/A	N/A	N/A
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	N/A	N/A	N/A	N/A
68	AUSTIN COMM COLL DIST	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

## Improvement / Building

**Improvement #1:** HIRISE CONDO/APT **State Code:** A4 **Living Area:** 3180.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
1ST	1st Floor	A - 6		2011	3180.0
399	DETAIL CONDO FV	* - 6		2011	0.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.0058	252.11	0.00	0.00	N/A	N/A

## Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$2,122,166	\$66,973	0	2,189,139	\$34,238	\$2,154,901
2016	\$2,091,763	\$58,237	0	2,150,000	\$190,999	\$1,959,001
2015	\$1,895,177	\$56,725	0	1,951,902	\$170,992	\$1,780,910
2014	\$1,639,479	\$56,725	0	1,696,204	\$77,195	\$1,619,009
2013	\$1,415,101	\$56,725	0	1,471,826	\$0	\$1,471,826

## Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/27/2016	WD	WARRANTY DEED	HERSCHMANN ERIC	HERSCHMANN ERIC & ORLY GINGER			2016187344
2	3/15/2012	WD	WARRANTY DEED	RUCKS SHAWN D & ANGELA C	HERSCHMANN ERIC			2012042123TR
3	2/11/2011	WD	WARRANTY DEED	CJUF II STRATUS BLOCK 21 LLC	RUCKS SHAWN D & ANGELA C			2011022350TR

**Questions Please Call (512) 834-9317**

This site requires cookies to be enabled in your browser settings.

**This year is not certified and ALL values will be represented with "N/A".**

Website version: 1.2.2.23

Database last updated on: 1/29/2018 1:34 AM

© N. Harris Computer Corporation

**1: Texas Voter Registration**

**Registrant Information**

**Name:** GENDER, ORLY

**Residential Address:** 210 LAVACA ST APT 1903  
AUSTIN, TX 78701-4582  
TRAVIS COUNTY

**SSN:** 130-74-XXXX

**Date of Birth:** 1/1979

**Gender:** Female

**Voter Information**

**Registration Date:** 11/24/2016

**Active Status:** ACTIVE



**1: Texas Driver License**

**Driver Information**

**Name:** GENDER, ORLY

**Address:** 210 LAVACA ST #1903  
AUSTIN, TX 78701-4582  
TRAVIS COUNTY

**Data source:** Governmental: TX

**Personal Information**

**SSN:** 130-74-XXXX

**DOB:** 01/1979

**License Information**

**Issue Date:** 11/03/2016

**Additional Driver Information**

**DOB:** 01/1979

**History:** Current

SURROGATE’S COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
File No.: 2008-0017E

---

In the Matter of DALIA GENDER, trustee of the OLR  
Y GENDER 1993 TRUST,

Petitioner,

-against-

ORLY GENDER, ARIE GENDER, GLENCOVA  
INVESTMENT COMPANY, TR INVESTORS, LLC,  
NEW TR EQUITY I, LLC, NEW TR EQUITY II, LLC,  
TRANS-RESOURCES, INC, ARNOLD BROSER,  
DAVID BROSER, JOHN DOES 1-20 AND JANE  
DOES 1-20,

Respondents.

---

**AFFIRMATION OF JUDITH BACHMAN  
IN OPPOSITION**

---

**KELLEY DRYE & WARREN LLP**  
101 PARK AVENUE  
NEW YORK, NEW YORK 10178  
  
(212) 808-7800